

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Jones

February 22, 2005

An act to ~~amend Section 21081 of~~ *add Section 21081.2* to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as amended, Jones. CEQA: residential infill projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

CEQA prohibits a public agency from approving or carrying out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes specified findings with respect to each significant effect, including, among other things, that (1) the changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment or (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

~~This bill would provide that, if a residential project on an infill site in an urbanized area is in compliance with the traffic and transportation policies in the general plan or zoning ordinance of the~~

~~local government, a public agency is not required to make those 2 findings for the impacts of that project on traffic at intersections, or on streets, highways, or freeways.~~

The bill would provide that, if a residential project, not exceeding 200 units, on an infill site, as defined, in an urbanized area, as defined, is in compliance with the traffic, circulation, and transportation policies of the general plan and applicable ordinances of the local government, and the local government with jurisdiction over the area where the project is located requires that the mitigation measures approved in a previously certified environmental impact report applicable to the project be incorporated into the project, the local government is not required to comply with specified requirements with respect to the making of any findings regarding the significant environmental effects from impacts of the project on traffic at intersections, or on streets, highways, or freeways.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 21081.2 is added to the Public*
- 2 *Resources Code, to read:*
- 3 *21081.2. (a) If a residential project, not exceeding 200 units,*
- 4 *on an infill site in an urbanized area is in compliance with the*
- 5 *traffic, circulation, and transportation policies of the general*
- 6 *plan and applicable ordinances of the local government with*
- 7 *jurisdiction over the area where the project is located, and the*
- 8 *local government requires that the mitigation measures approved*
- 9 *in a previously certified environmental impact report applicable*
- 10 *to the project be incorporated into the project, the local*
- 11 *government is not required to comply with subdivision (a) of*
- 12 *Section 21081 with respect to the making of any findings*
- 13 *regarding the impacts of the project on traffic at intersections, or*
- 14 *on streets, highways, or freeways.*
- 15 *(b) Nothing in subdivision (a) restricts the authority of a local*
- 16 *government to adopt feasible mitigation measures with respect to*
- 17 *the impacts of a project on pedestrian safety.*
- 18 ~~SECTION 1. Section 21081 of the Public Resources Code is~~
- 19 ~~amended to read:~~

1 21081. (a) Pursuant to the policy stated in Sections 21002 and
2 21002.1, a public agency shall not approve or carry out a project
3 for which an environmental impact report has been certified that
4 identifies one or more significant effects on the environment that
5 would occur if the project is approved or carried out unless both
6 of the following occur:

7 (1) The public agency makes one or more of the following
8 findings with respect to each significant effect:

9 (A) Changes or alterations have been required in, or
10 incorporated into, the project which mitigate or avoid the
11 significant effects on the environment.

12 (B) Those changes or alterations are within the responsibility
13 and jurisdiction of another public agency and have been, or can
14 and should be, adopted by that other agency.

15 (C) Specific economic, legal, social, technological, or other
16 considerations, including considerations for the provision of
17 employment opportunities for highly trained workers, make
18 infeasible the mitigation measures or alternatives identified in the
19 environmental impact report.

20 (2) With respect to significant effects that were subject to a
21 finding under subparagraph (C) of paragraph (1), the public
22 agency finds that specific overriding economic, legal, social,
23 technological, or other benefits of the project outweigh the
24 significant effects on the environment.

25 (b) If a residential project on an infill site in an urbanized area
26 is in compliance with the traffic and transportation policies in the
27 general plan or zoning ordinance of the local government, a
28 public agency is not required to comply with subparagraph (A) or
29 (B) of paragraph (1) for the impacts of that project on traffic at
30 intersections, or on streets, highways, or freeways.